



## **EXPLANATORY NOTE**

### **BY-LAW 2019-139**

#### **A By-law to amend By-laws 88-76 and 177-96, as amended**

**9999 Markham Road  
Part of Lot 20, Concession 8  
2585231 Ontario Inc.**

#### **Lands Affected**

The proposed by-law amendment applies to approximately 6.8 hectares (16.8 acres) of land at the south-east corner of Markham Road and Major Mackenzie Drive and municipally known as 9999 Markham Road.

#### **Existing Zoning**

By-law 88-76, as amended, currently zones the subject lands as “Select Industrial and Warehousing (M.I.)”.

#### **Purpose and Effect**

The purpose and effect of this By-law is to delete the property from the designated area of By-law 88-76, as amended and amend By-law 177-96 to incorporate the subject lands into it's designated area, and to rezone the subject property to “Residential Two \*632 (R2\*632)”, “Residential Two \*632 (H2) [R2\*632(H2)]” “Residential Four \*633 (Hold) [R4\*633(H1)(H2)] and “Open Space Two (OS2)”, in order to facilitate phased development consisting of a common element condominium multiple dwelling and townhouse development in Phase 1A and mid-rise buildings in Phase 1B.



## By-law 2019-139

**A By-law to amend By-law 88-76, as amended**  
*(to delete lands from the designated area of By-law 88-76)*  
**and to amend By-law 177-96, as amended**  
*(to incorporate lands into the designated area of By-law 177-96)*

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That By-law 88-76, as amended, is hereby further amended as follows:
  - 1.1 By deleting the lands shown on Schedule ‘A’ attached hereto from the designated area of By-law 88-76, as amended.
2. By-law 177-96, as amended, is hereby further amended as follows:
  - 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule “A” attached hereto.
  - 2.2 By rezoning the lands outlined on Schedule ‘A’ attached hereto from:  
**from:**  
**Select Industrial and Warehousing (M.I.) under By-law 88-76**  
  
**to:**  
**Residential Two \* 632 (R2\*632)**  
**Residential Four \*633 (Hold) [R4\*633 (H)]**  
**and**  
**Open Space Two**
  - 2.3 By adding the following subsection to Section 7 – EXCEPTIONS

<b>Exception</b>	<b>2585231 Ontario Inc.</b>	<b>Parent Zone</b>
<b>7.632</b>	<b>9999 Markham Rd</b>	<b>R2</b>
File		Amending By-law
ZA 18 180621		2019-139
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule “A” attached to this By-law 2019-139. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.632.1 Additional Permitted Uses</b>		
The following additional uses are permitted:		
a)	<i>Multiple Dwellings</i>	
b)	<i>Accessory Dwelling Units</i>	
<b>7.632.2 Special Zone Standards</b>		
a)	Notwithstanding any further division or partition of the lands subject to this Section, all lands zoned with Exceptions *632 shall be deemed to be one lot for the purposes of this By-law.	
b)	Minimum required <i>exterior side yard</i> – 2.4 m	
c)	Minimum required <i>interior side yard</i> – 1.5 m	
d)	Minimum required <i>rear yard</i> – 30 m	
e)	Minimum required front yard – 5 m	
f)	Maximum number of <i>multiple dwelling units</i> - 21	
g)	Maximum <i>building height</i> – 14 m	

h)	Minimum width of a <i>townhouse</i> unit – 5.4 m
i)	Minimum number of <i>parking spaces</i> – 1 space per <i>multiple dwelling unit</i>
j)	Minimum number of visitors parking spaces - 0.2 per <i>dwelling unit</i>
k)	Minimum separation distance between <i>buildings</i> – 3 m
l)	Notwithstanding k) above, architectural features such as sills, belt courses, cornices, eaves, chimney breasts, pilasters, roof overhangs, and <i>balconies</i> may project 0.6 metres into the required minimum distance from the <i>main wall</i> of a <i>building</i> .
m)	For the purposes of this By-law, the westerly <i>lot line</i> abutting “Street A” on “Schedule A” to this by-law shall be deemed to be the <i>front lot line</i> .
n)	One (1) <i>accessory dwelling unit</i> is permitted in a <i>townhouse dwelling</i>
o)	The provisions of Table B2 shall not apply

Exception 7.633	2585231 Ontario Inc. 9999	Parent Zone R4
File ZA 18 180621	Markham Rd	Amending By-law 2019-139
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule “A” attached to this By-law 2019-139. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
<b>7.633.1 Special Zone Standards</b>		
a)	Notwithstanding any further division or partition of the lands subject to this Section, all lands zoned with Exceptions *633 shall be deemed to be one lot for the purposes of this By-law.	
b)	Minimum required <i>exterior side yard</i> – 3 m	
c)	Minimum required <i>interior side yard</i> – 12.5m	
d)	Minimum required <i>rear yard</i> – 8.5 m	
e)	Notwithstanding d) above, a canopy, roof overhang, or unenclosed roofed structure over a <i>driveway</i> or <i>drive aisle</i> , may encroach into the required <i>rear yard</i> , provided it is no closer than 1 metre from the rear <i>lot line</i> .	
f)	Minimum required front yard – 1.8 m	
g)	Minimum setback from a daylight triangle – 0.1 metres	
h)	Maximum number of storeys - 8	
i)	Minimum number of visitors parking spaces - 0.2 per <i>dwelling unit</i>	
j)	For the purposes of this By-law, the <i>lot line</i> abutting Major Mackenzie Drive shall be deemed to be the <i>front lot line</i> .	
k)	Minimum setback for a <i>private garage</i> or <i>parking garage</i> located completely below <i>established grade</i> , or access ramp or driveway leading to an underground <i>private garage</i> or <i>parking garage</i> – 0.6 metres	
l)	Maximum <i>building height</i> - 30m	
m)	The provisions of Table B6 shall not apply.	

### **3. SECTION 37 AGREEMENT**

A contribution by the Owner to the City for the purpose of public art, in the amount of \$1425.00 per townhouse dwelling unit and multiple dwelling unit, and \$850.00 per apartment dwelling unit, to be indexed to the Ontario rate of inflation as per the consumer price index (CPI), in accordance with Section 37 of the Planning Act, shall be required.

Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

### **4. HOLDING PROVISION**

4.1 For the purpose of this By-law the Holding Provision (H1) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H1) in parenthesis following the zoning symbol.

No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H1) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H1) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H1), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the Region of York provides written confirmation that they are satisfied that an updated preliminary detail design prepared either by the applicant or Metrolinx, for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for electrification of the rail corridor is acceptable; or
- b) That the Region of York provides an updated preliminary detail design for the grade separation which takes into consideration the land requirements and embankments needed to accommodate additional height for the electrification of the rail corridor; or
- c) That satisfactory arrangements have been made between the Owner and the Region to protect for any future land requirements for the Major Mackenzie Drive grade separation of the Stouffville Rail Corridor.

4.2 For the purpose of this By-law the Holding Provision (H2) is hereby established and is identified on Schedule 'A' attached hereto by the letter (H2) in parenthesis following the zoning symbol.

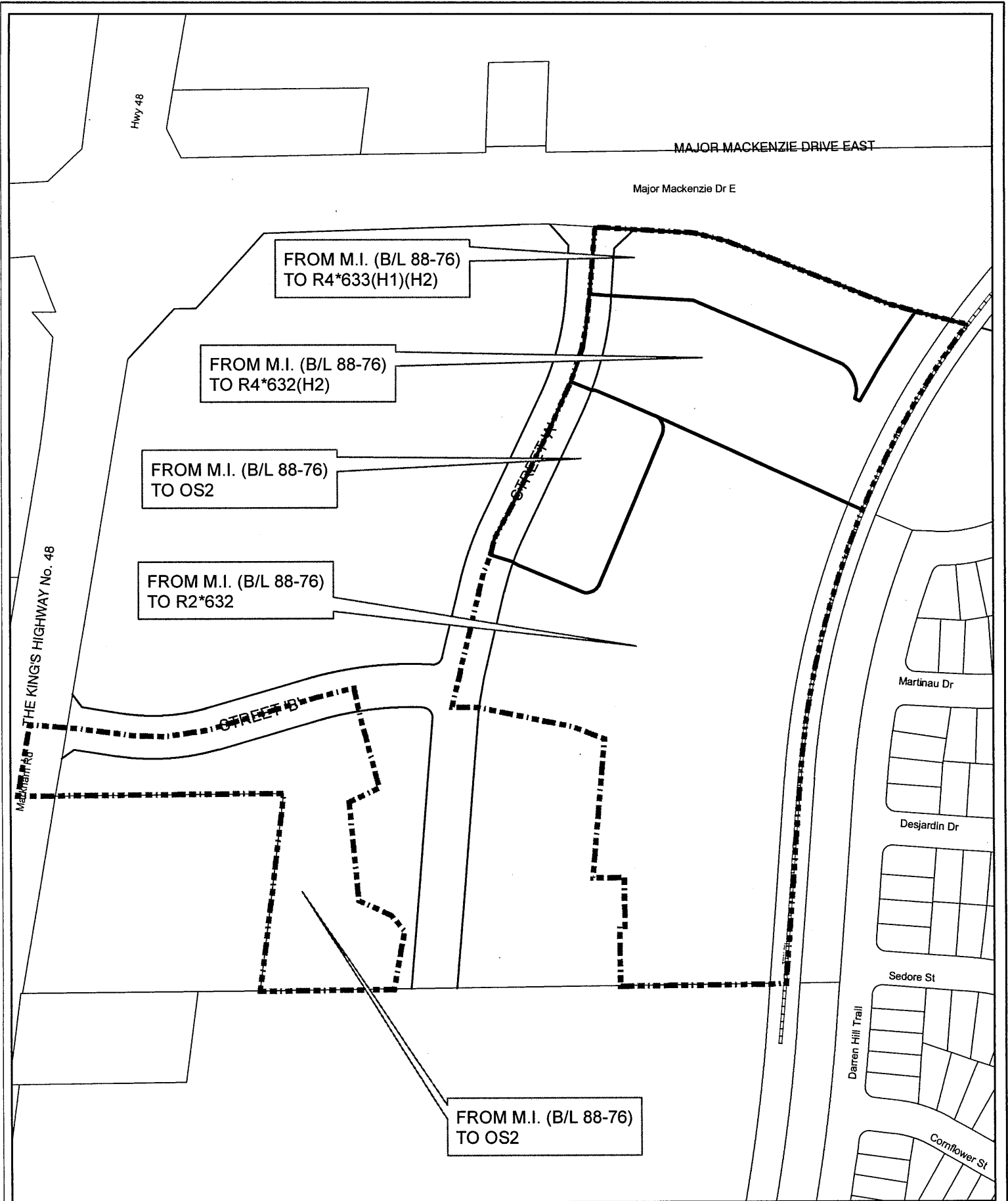
No person shall hereafter erect or alter any building or structure on lands subject to the Holding Provision (H2) for the purposes permitted under this By-law until an amendment to this By-law to remove the letter (H2) have come into effect pursuant to the provisions of Section 36 of the Planning Act. Prior to removing the Holding Provision (H2), the following conditions must be met to the satisfaction of the City of Markham:

- a) That the City's Director of Planning and Urban Design confirms that a feasibility study for a potential new GO Station at Major Mackenzie Drive is sufficiently underway such that it is appropriate for development to proceed.

5. All other provisions of By-law 177-96, as amended, not consistent with the provisions of this by-law shall continue to apply.

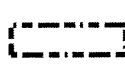
Read a first, second and third time and passed on December 10, 2019.

  
\_\_\_\_\_  
Kimberley Kitteringham  
City Clerk  
\_\_\_\_\_  
Frank Scarpitti  
Mayor




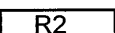
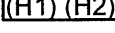
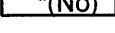


# BY-LAW SCHEDULE "A" TO BY-LAW 2019-139

## AMENDING BY-LAWS 88-76 AND 177-96 DATED DECEMBER 10, 2019

 BOUNDARY OF AREA COVERED BY THIS BY-LAW SCHEDULE  
TO BE DELETED FROM 88-76 AND ADDED TO 177-96

 BOUNDARY OF ZONE DESIGNATION(S)

 M.I.	SELECT INDUSTRIAL AND WAREHOUSE	 R4	RESIDENTIAL FOUR	 OS2	OPEN SPACE TWO
 R2	RESIDENTIAL TWO	 (H1) (H2)	HOLDING PROVISION	 *(No)	EXCEPTION NUMBER



DEVELOPMENT SERVICES COMMISSION

40 20 0 40 Meters

Drawn By:DD Checked By:SM

DATE:11/22/19

Q:\Geomatics\New Operation\By-Laws\ZA\ZA\_SU18180621\ZA\_SU18180621.mxd

THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems.  
In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by-law, the information contained  
in the text of the zoning by-law of the municipality shall be deemed accurate.

NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office